

REMARKS

Claims 35-38 and 40-44, and 46-71 are now pending in the application. By this paper, Claims 35, 46, and 51 have been amended, Claims 70 and 71 have been added, and Claim 45 has been cancelled without prejudice or disclaimer of the subject matter contained therein. The basis for the foregoing amendments and new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 35, 37, 42-43, 48, and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. (U.S. Pat. No. 4,506,518) in view of Nagatomo et al. (U.S. Pat. No. 4,494,383) in further in view of Jaster (U.S. Pat. No. 5,435,145).

Claim 49 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. in view of Nagatomo et al. and Jaster as applied to Claim 35 above, and further in view of Alsenz (U.S. Pat. No. 5,035,119).

Claim 47 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. in view of Nagatomo et al. and Jaster as applied to Claim 35 above, and further in view of Takizawa et al. (U.S. Pat. No. 4,962,648).

Claim 44 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. in view of Nagatomo et al. and Jaster as applied to Claim 35 above, and further in view of Tanaka (U.S. Pat. No. 4,634,046).

Claims 36, 38, 40, and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. in view of Nagatomo et al. and Jaster as applied to Claim 35 above, and further in view of Bendtsen (U.S. Pat. No. 5,396,780).

Claims 51-53, 56-57, 59, 61-62, and 65-67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa et al. in view of Nagatomo et al. and Jaster as applied to Claim 35 above, and further in view of Schaeffer et al. (U.S. Pat. No. 5,440,894).

These rejections are respectfully traversed.

Applicants have amended independent Claim 1 to incorporate the identified allowable subject matter of Claim 45 and, therefore, respectfully submit that independent Claim 1 is in condition for allowance. Because Claims 36-38, 40-44, and 46-50 depend from independent Claim 1, Applicants respectfully submit that Claims 36-38, 40-44, and 46-50 are similarly in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Independent Claim 51 recites a cooling system including an evaporator pressure regulator valve in fluid communication with an evaporator and a condenser and a controller responsive to a first sensor that provides a variable duty cycle control signal. The controller modulates a capacity of a compressor and a position of the evaporator pressure regulator valve according to the same variable duty cycle control signal to vary a cooling capacity of the cooling system.

Applicants respectfully submit that the combination of Yoshikawa, Nagatomo, Jaster, and Schaeffer fails to disclose an evaporator pressure regulator valve or controlling an evaporator pressure regulator valve according to the same variable duty cycle control signal supplied to a compressor. The Examiner asserts that Yoshikawa discloses a compressor and a valve that are operated with the same signal. See Pages 2 and 3 of the Office Action mailed August 10, 2007. Applicants respectfully submit that Yoshikawa fails to disclose controlling a compressor and a valve with the same signal. Rather, Applicants respectfully submit that Yoshikawa discloses three *separate* signals (X, Y, Z) respectively used to control a compressor, a blower, and a valve. See Yoshikawa at Table 1. Applicants note that while Yoshikawa discloses a control signal (X1) and a control signal for a valve (Z1), such signals are discrete and separate from one another, as the "X1" signal used to control the compressor indicates a stop condition of the compressor and that the signal "Z1" indicates a decrease in opening of the valve. See Yoshikawa at Table 1. If the signals (X1, Z1) were, in fact, the same signal, the compressor would not be in a stopped condition as the valve opening is decreased, but rather, would presumably be decreased at the same rate at which the valve opening is decreased. Likewise, if the same signal were applied to both the compressor and the valve when the compressor is stopped, the valve opening would not be decreased, but rather, would be stopped in accordance with the "stopped" signal supplied to the compressor. In light of the foregoing, Applicants respectfully submit that Yoshikawa fails to disclose controlling a compressor and a valve using the *same* signal.

The Examiner admits at Page 3 of the Office Action mailed August 10, 2007 that the combination of Yoshikawa and Nagatomo does not disclose applying a variable duty

cycle control signal to both a compressor and a valve of a system. However, the Examiner asserts that Jaster discloses applying such a variable duty cycle control signal to a valve. Applicants respectfully submit that while Jaster discloses supplying a variable duty cycle control signal to an expansion valve (16), Jaster fails to disclose controlling an evaporator pressure regulator valve using a variable duty cycle control signal.

Because Yoshikawa fails to disclose controlling a compressor and a valve with the *same* control signal and Jaster fails to disclose controlling an evaporator pressure regulator valve, Applicants respectfully submit that the combination of Yoshikawa, Nagatomo, and Jaster fails to disclose controlling an evaporator pressure regulator valve according to the *same* variable duty cycle control signal supplied to a compressor.

In light of the foregoing, Applicants respectfully submit that independent Claim 51, as well as Claims 52-69, dependent therefrom, are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

NEW CLAIMS

Applicants have added new Claims 70 and 71. Because Claims 70 and 71 depend from independent Claim 51, which is believed to be in condition for allowance in light of the foregoing remarks, Applicants respectfully submit that Claims 70 and 71 are similarly in condition for allowance.

ALLOWABLE SUBJECT MATTER

The Examiner states that Claims 45 and 46 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants have rewritten independent Claim 35 to incorporate the allowable subject matter of Claim 45 and, therefore, submit that independent Claim 45 is in condition for allowance.

CONCLUSION

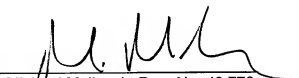
It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated:

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